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April 14, 2010

United States Environmental Protection Agency, Region 10
Claire Hong, Remedial Project Manager
Environmental Cleanup Office, ECL-111
1200 Sixth Ave. Suite 900
Seattle, Washington 98101

**Re: Response to U.S. EPA CERCLA Section 104(e) Information Request Regarding
Lower Duwamish Waterway, Seattle, Washington**

Dear Ms. Hong:

I am responding to the CERCLA Section 104(e) Information Request regarding the Lower Duwamish Waterway Superfund Site, Seattle, Washington, recently served by U.S. EPA to "Representative of Marine Power & Equipment c/o Richard C. Woeck." The information requested was delivered by U.S. mail, with cover correspondence dated February 19, 2010, and addressed to:

Richard C. Woeck
The Woeck Family LLC
RE: Marine Power & Equipment
111 3rd Ave., Suite 3400
Seattle, WA 98101

Richard C. Woeck
Registered Agent for The Woeck Family LLC
RE: Marine Power & Equipment
23913 W. Woodway Ln.
Woodway, WA 98020

The specific site identified in the information request was:

Marine Power & Equipment, Inc.
6701 Fox Ave. S.
Seattle, WA 98108

The parcels identified in the information request were: King County Parcels 0001800104, 0001800128, 2924049083.

For purposes of this response, I understand that the entity referred to by EPA as "Marine Power & Equipment" or "Marine Power & Equipment, Inc." is the same as the corporate entity formerly known as "Marine Power & Equipment Co., Inc."



GENERAL OBJECTION

At the outset, I object to any designation of me as the representative of Marine Power & Equipment Co., Inc. As explained further below, I am not the agent or employee of Marine Power & Equipment Co., Inc. or its successors, if any, and do not represent them in any capacity. I am also not qualified to respond to the specific matters raised in the information request because I was never directly involved in this site. I will attempt to provide information when I can do so. I also object to any claim, statement or implication that The Woock Family LLC is affiliated in any way with Marine Power & Equipment, Inc., or with any successor or entity affiliated with Marine Power & Equipment, Inc., or that The Woock Family LLC is responsible in any way for conditions that may have or will exist at any time in the Lower Duwamish Waterway.

RESPONSE TO INFORMATION REQUEST

1. Respondent Information

- a. Provide the full legal name and mailing address of the Respondent.

Respondent Marine Power & Equipment Co., Inc. (hereinafter "MPE Inc.") filed for bankruptcy and was reorganized in 1986 and no longer exists. There is no current address for the Respondent. The last business address was:

**Marine Power & Equipment Co., Inc.
1441 N. Northlake Way
Seattle, WA 98103**

I am not the representative, agent or employee of MPE Inc. I was employed by MPE Inc. from 1978 to 1986. From 1983 until 1986, I was president of MPE Inc. After the bankruptcy filing, I served for approximately two years as the court-appointed president of the debtor-in-possession. After my employment with MPE Inc. and the debtor-in-possession ended in 1988, I worked for its successor, United Marine Shipbuilding, Inc. (hereinafter "United Marine Shipbuilding"), for a few months. As discovered by Dorsey & Whitney LLP in assisting with this response, United Marine Shipbuilding was liquidated in bankruptcy in 1994. I have not acted in any capacity for MPE Inc., its successor, parent or subsidiary companies since that time. My responses to this information request are based on my personal recollection from my employment with MPE Inc. All documents relating to the business of MPE Inc. were transferred to United Marine Shipbuilding as per the bankruptcy reorganization and were contained at 1441 North Northlake Way, Seattle, Washington 98103, when I left the company. I do not have access to these documents and I do not know where they are or if they still exist. The only documents in my possession relating to MPE Inc. are documents relating to an employee-stock-ownership plan from Unimar, Inc. (hereinafter "Unimar"). My statements should not be construed to mean I am acting as a representative or agent of MPE Inc. or any other corporate successor, parent or subsidiary because I have no such authority or consent.

b. For each person answering these questions on behalf of Respondent, provide:

- i. full name;
- ii. title;
- iii. business address; and
- iv. business telephone number and FAX machine number.

As noted earlier, I do not act on behalf of, and cannot answer for, the Respondent MPE Inc. My current contact information is as follows:

**Richard C. Woeck
Manager, Woeck Family LLC
23913 W. Woodway Lane
Woodway, WA 98020
(206) 542-1656 (phone)
(206) 542-7392 (fax)**

c. If Respondent wishes to designate an individual for all future correspondence concerning this Site, please indicate here by providing that individual's name, address, telephone number, and fax number.

Again, I do not, nor can I, act on behalf of the Respondent, however all future correspondence should be directed to:

**Peter Ehrlichman
Dorsey & Whitney LLP
1420 5th Avenue, Suite 3400
Seattle, WA 98201
(206) 903-8825 (phone)
(206) 260-9106 (fax)**

**cc: B. Andrew Brown
Dorsey & Whitney LLP
50 South Sixth Street, Suite 1500
Minneapolis, MN 55402
(612) 340-5612 (phone)
(612) 340-8800 (fax)**

d. State the dates during which Respondent held any property interests at or within one-half mile of the Site.

It is my recollection that MPE Inc. owned the property at 6701 Fox Avenue South Seattle, Washington, from approximately 1978 until 1986.

- e. State the dates during which Respondent conducted any business activity at or within one-half mile of the Site.

MPE Inc. conducted operations at 6701 Fox Avenue South, Seattle, Washington, (hereinafter referred to as "Site") from approximately 1978 and until August 1988 (operating for roughly the last two years as debtor-in-possession), when it was reorganized as United Marine Shipbuilding.

- f. Describe the nature of Respondent's business activities at the Site or within one-half mile of the Site.

MPE Inc. built and repaired boats and barges at the Site.

- g. In relation to your answer to the previous question, identify all materials used or created by your activities at the Site, including raw materials, commercial products, building debris, and other wastes.

I was employed in an administrative position. I was not involved in the procurement of materials, waste disposal, or any day-to-day operations involved with the operations at the Site. In fact, my office was not located at the Site and I was only present at the Site a small number of times (probably less than 15 times) during the course of my entire employment with MPE Inc.

- h. If Respondent, its parent corporation, subsidiaries or other related or associated companies have filed for bankruptcy, provide:

- i. the U.S. Bankruptcy Court in which the petition was filed;
- ii. the docket numbers of such petition;
- iii. the date the bankruptcy petition was filed;
- iv. whether the petition is under Chapter 7 (liquidation), Chapter 11 (reorganization), or other provision; and
- v. a brief description of the current status of the petition.

MPE Inc. and its parent company WFI Industries Inc. (hereinafter "WFI Industries") filed for bankruptcy in 1986.

Marine Power & Equipment Co., Inc.

- i. **The Bankruptcy Court for the Western District of Washington.**
- ii. **Docket No. 86-01091-SJS.**
- iii. **Petition filed Feb. 14, 1986.**
- iv. **Chapter 11 Reorganization.**

- v. **Marine Power & Equipment Co., Inc. emerged from Chapter 11 in August 1988 and was renamed United Marine Shipbuilding Inc.**

WFI Industries

- i. **The Bankruptcy Court for the Western District of Washington.**
- ii. **Docket 86-01380-SJS.**
- iii. **Petition filed Feb. 27, 1986.**
- iv. **Chapter 11 Reorganization.**
- v. **WFI Industries emerged from Chapter 11 in August 1988 and was renamed Unimar Inc.**

United Marine Shipbuilding Inc. filed for bankruptcy again in 1994.

- i. **The Bankruptcy Court for the Western District of Washington.**
- ii. **94-00542-KAO.**
- iii. **Petition filed Jan. 21, 1994.**
- iv. **Chapter 7 Liquidation.**
- v. **Petition was granted.**

Other subsidiaries of WFI Industries, which also filed for bankruptcy in 1986, included: Global Maritime Services, Marine Logistics Corporation, International Offshore Services, Washington Steel Industries, HDP Propellor Company, Propulsion Systems Incorporated, Olympic Propellor Company, Seaway Express Corporation, Services Speciality Incorporated, Sea Alaska Terminals, and Gulf Stevedorian Inc.

2. Site Activities and Interests

- a. Provide all documents in your possession regarding the ownership or environmental conditions of the Site, including, but not limited to, copies of deeds, sales contracts, leases, blueprints, "as-builts" and photographs. Environmental conditions of the Site includes information related to soil, sediment, water (ground and surface), and air quality, such as, but not limited to:
 - i. Any spill, leak, release, or discharge of a hazardous substance, waste, or material at or near the Site;
 - ii. Occurrences of violations, citations, deficiencies, and/or accidents concerning the Site;
 - iii. Remediation or removal of contaminated soils, sediments, or other media at the Site; and
 - iv. Investigations, inspections, sampling, and reports generated by Respondent and/or others regarding the Site and surrounding area.

I do not have possession of, or access to, any documents regarding the ownership of or environmental conditions at the Site. All documents, records, and possessions of MPE Inc. were transferred to its corporate successor United Marine Shipbuilding.

- b. Provide information on the condition of the Site when purchased or at the beginning of the relevant time period; describe the source, volume, and content of any fill material used during the construction of the buildings, including waterside structures such as seawalls, wharves, docks, or marine ways. Additionally, describe any subsequent improvements, alterations, demolitions, or additions to the physical structures or the Site itself.

To the best of my knowledge, prior to its acquisition by MPE Inc., the Site was being used prior to 1978 by a fishing company to winter and repair its fleet. There were wood buildings and dry-docks. Upon acquisition by MPE Inc., we paved the yard and had a steel fabrication building erected on the slab. A SYNCRO-Lift operated by electric winches and electric operated cranes were also installed by MPE Inc. To the best of my knowledge, no fill material was used for construction at the Site during the time of MPE Inc.'s occupancy.

- c. Provide information on past dredging or future planned dredging at this Site.

I have no knowledge of any dredging activities having been conducted or planned at the Site by MPE Inc. or its successors.

- d. Provide a brief summary of the activities conducted at the Site while under Respondent's ownership or operation. Include process diagrams or flow charts of the industrial activities conducted at the Site.

MPE Inc. constructed and repaired boats and barges. These activities involved the cutting, shaping, and welding of steel. Steel would be received from rolling mills already wheelabrated and pre-primed. A computer CAD/CAM system drove a plotting table that would fair the line of the ship, select the plate required and produce tapes that directed the plate cutting machine how to cut and shape the plate. All cutting and shaping was done in a controlled environment that included use of a water table. Plates were then welded by an in-house, one-sided seaming machine. Plates were then assembled into sections of the vessel. The steel was then coated and the sections were moved out of the building and were assembled into the final vessel. Upon completion, the vessel would be launched, after which dock and sea trials would be conducted before delivery.

- e. Provide all documents pertaining to sale, transfer, delivery, disposal, of any hazardous substances, scrap materials, and/or recyclable materials to this property.

All documents pertaining to the sale, transfer, delivery, or disposal of any hazardous substances, scrap materials, or recyclable materials at the property, if any, were transferred with the rest of MPE Inc.'s records to United Marine Shipbuilding.

- f. Provide all information on electrical equipment used at the Site, including transformers or other electrical equipment that may have contained polychlorinated biphenyls (PCBs).

MPE Inc. operated electrically driven cranes and an electrically driven boat lift. New equipment was installed in 1978 when MPE Inc. began operations at the Site. Based on my infrequent visits to the Site when employed by MPE Inc., and to the best of my recollection, I noticed a transformer which was installed, I believe, by the City, probably in 1978 or 1979. I have no knowledge regarding whether any of this equipment contained PCBs. All records regarding this equipment were transferred with the rest of MPE Inc.'s records to United Marine Shipbuilding.

- g. Provide information on the type(s) of oils or fluids used for lubrication of machinery or other industrial purposes, and any other chemicals or products which are or may contain hazardous substances which are or were used at the Site for facility operations.

I am assuming lube oil was used on mechanical equipment such as forklifts, which would have been changed periodically. It is my understanding that it would have been standard automotive oil. It is also my understanding that grease may have been used in a few hand operated grease guns. I believe used oil could be disposed of at a nearby facility in South Park at no cost.

- h. Provide any site drainage descriptions, plans or maps that include information about storm drainage which includes, but is not limited to, above or below surface piping, ditches, catch basins, manholes, and treatment/detention or related structures including outfalls. If available, also include information about connections to sanitary sewer.

I am aware that city maps show pipes and storm drains that start on other properties also located on Brighton Street and which run across the Site to the Duwamish River. In response to this information request, Dorsey & Whitney LLP obtained a plan from the City of Seattle showing the city street (S. Brighton St.), depicting the site and showing storm drains, sanitary lines, including out falls to the Duwamish River. I have enclosed it for your purposes. Except for a standard sanitary sewer connection for operation of restrooms, I am not aware of any other storm drains, below surface piping, manholes, ditches, catch basins, or treatment/detention structures on the Site beyond those shown on the city maps. Any documents that may be related to any such information should have been transferred with other MPE Inc.'s records to United Marine Shipbuilding.

- i. With respect to past site activities, please provide copies of any stormwater or drainage studies, including data from sampling, conducted at the Site. Also provide copies of any Stormwater Pollution Prevention, Maintenance Plans, Spill Plans, and any stormwater, process water, or any other discharge permits that may have been developed or obtained for different operations during the Respondent's occupation of the property.

All documents pertaining to Site activities with regard to stormwater or drainage studies, Stormwater Pollution Prevention, Maintenance Plans, Spill Plans, and

stormwater, process water or any other discharge permits, if they existed, were transferred with the rest of MPE Inc.'s records to United Marine Shipbuilding.

3. **Information About Others**

- a. Describe any business relationship you may have had regarding this property or operations thereon with the following entities:
- i. United Marine Shipbuilding,
 - ii. Unimar, and
 - iii. WFI Industries
- i. **MPE Inc. was reorganized following bankruptcy into United Marine Shipbuilding. United Marine Shipbuilding was dissolved following a Chapter 7 liquidation in bankruptcy in 1994.**
- ii. **Unimar was the parent company of United Marine Shipbuilding and was the new name of WFI Industries after reorganization following bankruptcy.**
- iii. **WFI Industries was the parent company of MPE Inc. until both companies were reorganized and renamed following bankruptcy.**
- b. Provide the names and last known address of any tenants or lessees, the dates of their tenancy and a brief description of the activities they conducted while operating on the above mentioned Site.

I am not aware of any tenants or lessees that existed at the Site during MPE Inc.'s ownership.

- c. If not already provided, identify and provide a last known address or phone number for all persons, including Respondent's current and former employees or agents, other than attorneys, who have knowledge or information about the generation, use, purchase, storage, disposal, placement, or other handling of hazardous materials at, or transportation of hazardous materials to or from, the Site.

I cannot recall any person who has knowledge about the generation, use, purchase, storage, disposal, placement, or other handling of hazardous materials, if any, at, or transportation of hazardous materials to or from, the Site.

4. **Financial Information**

- a. Provide true and complete copies of all federal income tax documents, including all supporting schedules, for 2004, 2005, 2006, 2007 and 2008. Provide the federal Tax Identification Number and, if documentation is not available, explain why in detail.

MPE Inc. and its successor United Marine Shipbuilding were not in existence in 2004, 2005, 2006, 2007, or 2008. I do not have the federal Tax Identification Number or any other documentation as such records were transferred with the rest of MPE Inc.'s records to United Marine Shipbuilding.

- b. Provide the Respondent's financial interest in, control of, or that the Respondent is a beneficiary of any assets (in the U.S. or in another country) that have not been identified in your federal tax returns or other financial information to be presented to EPA. If there are such assets, please identify each asset by type of asset, estimated value, and location.

MPE Inc. entered bankruptcy in 1986 and emerged as United Marine Shipbuilding in 1988. United Marine Shipbuilding dissolved following a filing for Chapter 7 bankruptcy in 1994. To my knowledge, there are no remaining assets of either company.

- c. If Respondent is, or was at any time, a subsidiary of, otherwise owned or controlled by, or otherwise affiliated with another corporation or entity, then describe the full nature of each such corporate relationship, including but not limited to:
- i. a general statement of the nature of relationship, indicating whether or not the affiliated entity had, or exercised, any degree of control over the daily operations or decision-making of the Respondent's business operations at the Site;
 - ii. the dates such relationship existed;
 - iii. the percentage of ownership of Respondent that is held by such other entity(ies);
 - iv. for each such affiliated entity provide the names and complete addresses of its parent, subsidiary, and otherwise affiliated entities, as well as the names and addresses of each such affiliated entity's officers, directors, partners, trustees, beneficiaries, and/or shareholders owning more than five percent of that affiliated entity's stock;
 - v. provide any and all insurance policies for such affiliated entity(ies) which may possibly cover the liabilities of the Respondent at the Site; and
 - vi. provide any and all corporate financial information of such affiliated entities, including but not limited to total revenue or total sales, net income, depreciation, total assets and total current assets, total liabilities and total current liabilities, net working capital (or net current assets), and net worth.

MPE Inc. was a subsidiary of WFI Industries.

- i. **WFI Industries provided engineering, financial, and legal support. WFI Industries did not have any control over the daily operations or decision-making of MPE Inc.**
- ii. **WFI Industries was the parent company of MPE Inc. from 1983 until 1988 when MPE Inc. was reorganized as United Marine Shipbuilding. The parent company of United Marine Shipbuilding was Unimar until 1994 when United Marine Shipbuilding and Unimar filed for Chapter 7 bankruptcy.**
- iii. **MPE Inc. was owned 100% by WFI Industries. After bankruptcy, Unimar owned 100% of United Marine Shipbuilding.**
- iv. **WFI Industries, Marine Power & Equipment, Unimar, and United Marine Shipbuilding all had the same address:**

**1441 N. Northlake Way
Seattle, WA 98103**

To the best of my recollection, the officers and directors for the companies during some of the time between 1978 and 1988 were as follows:

(1) MPE Inc.

**Peter F. Woeck, President/Director (deceased)
6546 Beach Dr. SW
Seattle, WA 98136**

**Richard C. Woeck, Vice President/Director (retired)
23913 West Woodway Lane
Woodway, WA 98020
Also President/Director
Also CEO during Chapter 11**

**Lloyd Anderson, Vice President
Address unknown**

**Peter F. Woeck II, Vice President/Director (retired)
PO Box 520
Glenrock, WY 82637**

**Shirley J. Gillespie, Secretary/Director (retired)
19736 40th Ct. NE
Seattle, WA 98155**

Sally A. Bergmann, Treasurer/Director (deceased)
6612 NE 202nd
Kenmore, WA 98028

(2) WFI Industries

Peter F. Woeck, CEO/Chairman (deceased)
6546 Beath Dr. SW
Seattle, WA 98136

Richard C. Woeck, President/Director (retired)
23913 West Woodway Lane
Woodway, WA 98020
Also CEO During Chapter 11

Peter F. Woeck II, Vice President/Director (retired)
PO Box 520
Glenrock, WY 82637

Shirley Gillespie, Director (retired)
19736 40th Ct. NE
Seattle, WA 98155

Sally A. Bergmann, Director (deceased)
6612 NE 202nd
Kenmore, WA 98028

(3) Unimar

Don Little, President/Chairman
Address unknown

Richard C. Woeck, Director for a few months in 1988 (retired)
23913 West Woodway Lane
Woodway, WA 98020

Charlie D. Madison, President/Director
Address unknown

Dan M. Kistler, President/Director
Address unknown

James R. Ishii, Exec. Vice President/Director
Address unknown

(4) United Marine Shipbuilding

**Don Little, President/Director
Address unknown**

**Dan M. Kistler, President/director
Address unknown**

- v. MPE Inc.'s insurance policies were transferred with the rest of Marine Power & Equipment's records to United Marine Shipbuilding.**
- vi. MPE Inc. had a negative net worth when it filed for bankruptcy in 1986. All documents relating to its financial information were transferred with the rest of MPE Inc.'s records to United Marine Shipbuilding.**

5. Insurance Coverage

- a. Provide copies of all property, casualty and/or liability insurance policies, and any other insurance contracts referencing the site or facility and/or Respondent's business operations (including, but not limited to, Comprehensive General Liability, Environmental Impairment Liability, Pollution Legal Liability, Cleanup Cost Cap or Stop Loss Policies). Include, without limitation, all primary, excess, and umbrella policies which could be applicable to costs of environmental investigation and/or cleanup, and include the years such policies were in effect.**

Any and all insurance policies for MPE Inc. were transferred with the rest of MPE Inc.'s records to United Marine Shipbuilding.

- b. If there are any such policies from question "5a" above which existed, but for which copies are not available, identify each such policy by providing as much of the following information as possible:**
 - i. the name and address of each insurer and of the insured;**
 - ii. the type of policy and policy numbers;**
 - iii. the per occurrence policy limits of each policy; and**
 - iv. the effective dates for each policy.**

I believe MPE Inc. had insurance while I was employed there. The coverage, I believe, included State Industrial Insurance and Longshore and Harbor Workers Coverage among other policies.

- c. Identify all insurance brokers or agents who placed insurance for the Respondent at any time during the period being investigated, as identified at the beginning of this request, and identify the time period during which such broker or agent acted in this regard.

I believe the insurance brokers or agents for MPE Inc. were the Washington State Department of Labor & Industries, and Soderberg & Associates, and then Nasman & Associates which changed its name to Stormeden. I do not recall specific dates.

- d. Identify all communication and provide all documents that evidence, refer, or relate to claims made by or on behalf of the Respondent under any insurance policy in connection with the site. Include any responses from the insurer with respect to any claims.

I do not have any information regarding communications relating to claims by MPE Inc. to its insurers. All documents relating to MPE Inc.'s insurance policies were transferred with the rest of MPE Inc.'s records to United Marine Shipbuilding.

- e. Identify any previous settlements with any insurer in connection with the site, or for any claims for environmental liabilities during the time period under investigation. Include any policies surrendered or cancelled by the Respondent or insurer.

I am not aware of any settlements by MPE Inc. with any insurer in connection to the Site or any environmental liabilities. All documents relating to MPE Inc.'s insurance policies were transferred with the rest of MPE Inc.'s records to United Marine Shipbuilding.

- f. Identify any and all insurance, accounts paid or accounting files that identify Respondent's insurance policies.

All documents relating to MPE Inc.'s insurance policies were transferred with the rest of MPE Inc.'s records to United Marine Shipbuilding.

- g. Identify Respondent's policy with respect to document retention.

MPE Inc. conducted all administrative affairs at 1441 North Northlake Way, Seattle, Washington 98103. The files were kept at this location. I do not recall any specific policy regarding retention. All of MPE Inc.'s records were transferred to United Marine Shipbuilding after Chapter 11 reorganization in 1988. United Marine Shipbuilding operated from the same location and the files were still being maintained there when I left the company in 1988. Subsequently, United Marine Shipbuilding ceased operations, the building was sold and I do not know the whereabouts of these files.

6. **Compliance with This Request**

- a. Describe all sources reviewed or consulted in responding to this request, including, but not limited to:

- i. the name and current job title of all individuals consulted;

- ii. the location where all documents reviewed are currently kept.

I discussed this matter briefly with my sister Shirley Gillespie, retired, and my brother Peter F. Woeck, II, retired, to recall some of this information. In response to this information request, I obtained photographs of the Site from two aerial photography services. I have a file on Unimar containing papers relating to the employee-stock-ownership plan that I used to recall certain dates and names. The file is located at my home at 23913 W. Woodway Lane, Woodway, WA 98020.

DECLARATION

I declare under penalty of perjury that I am not authorized to respond on behalf of Respondent Marine Power & Equipment Co., Inc. and that the foregoing response is complete, true, and correct to the best of my knowledge and understanding.

Executed on April 14, 2010

Richard C Woock
Signature Richard C Woock
The Woock Family LLC
Type or Print Name
Manager
Title

Mailing Address:

**Richard C. Woock
Manager, Woock Family LLC
23913 W. Woodway Lane
Woodway, WA 98020**